

REMARKS/ARGUMENTS

Claims 1-14, 16, 35-49, 51-67 and 69-71 are pending in the application. The present response does not amend, add, or cancel any claims. Each issue raised in the Office Action mailed April 1, 2009 are raised hereinafter.

CLAIM REJECTIONS—35 U.S.C. § 103

Claims 1-12, 16-31, 35-47, 51-66 and 69-71 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Publication No. 2004/0250139 A1 (“Kumhyr”) in view of U.S. Patent No. 6,944,761 (“Wood”) in further view of U.S. Patent No. 6,826,692 (“White”). This rejection is respectfully traversed.

The Office Action appears to reduce the independent claims down to three broad concepts and to apply a reference, without linking the references, to each concept rather than showing that the combination of references teach or suggest the specific claim language. This is not a permissible basis for an obviousness rejection.

The Combination of Kumhyr and Wood Fails To Teach Or Suggest “if the password does not meet the quality criteria granting a different level of access than if the password meets the quality criteria.”

Claim 1 recites in part, with emphasis added: “**if the password does not meet the quality criteria** granting a different level of access than **if the password meets the quality criteria.**” Page 3 of the Office Action acknowledges that Kumhyr fails to teach or suggest this aspect of Claim 1. Kumhyr generally teaches a method of presenting to a user an indication of password

strength and password variety in the context of the user creating a new password or changing an old password. *See e.g.* Kumhyr at Figure 2. Therefore, not only does Kumhyr not teach granting different levels of access, Kumhyr does not even teach granting a single level of access as the determination of strength is not performed when “the user attempts to access a service” as recited in Claim 1, but instead, the determination is made when choosing a password.

The Office Action asserts that Wood cures the deficiencies of Kumhyr. While Wood generally teaches the concept of assigning different trust levels to users, the assignment of the different trust levels is not based on whether or not the password meets quality criteria, and in fact, the assignment of the trust levels is not even tied to the username/password combination. Thus, to the extent the trust levels in Wood might teach or suggest the level of access in Claim 1, Wood still explicitly teaches away from Claim 1. One of the points of novelty in Wood is that it is a “single sign-on” system, and a user’s trust level can be upgraded without requiring an additional log-in if the user accesses resources that require a different trust level. *See e.g.* abstract; 2:37-65; 4:4-15. Therefore, the different trust levels disclosed in Wood can be accessed with the same password, making those different trust levels clearly not dependent on the password meeting quality criteria as explicitly recited in Claim 1.

Neither Kumhyr nor Wood teach or suggest making access to a resource in any way dependent on a password meeting quality criteria, and therefore do not teach or suggest granting different levels of access dependent on whether or not the password meets quality criteria. As a result, in addition to not teaching or disclosing the above aspect of Claim 1, Wood does not teach or suggest a way of modifying Kumhyr that would lead an ordinary skilled artisan to the method of Claim 1. As neither Wood nor Kumhyr individually teach or suggest making a level of access dependent on a password meeting a quality criteria, the mere fact that Wood teaches multiple

trust levels would not lead an ordinary skilled artisan to “granting a different level of access” dependant on whether or not a password meets quality criteria.

White fails to teach or suggest “determining whether the password meets quality criteria comprises determining whether the password meets quality criteria for the particular user role.”

Claim 1 recites in part, with emphasis added: “wherein the user is associated with a particular user role, and wherein **determining whether the password meets quality criteria comprises determining whether the password meets quality criteria for the particular user role.**” Page 4 of the Office Action acknowledges that Wood and Kumhyr fail to teach or disclose this aspect of Claim 1 but asserts that White cures the deficiencies of Wood and Kumhyr. White, however, teaches a concept clearly distinct from this portion of Claim 1. White discloses using a username/password combination to determine a role for a user by comparing the username/password combination to entries in a database. *See e.g.* White at Abstract. Page 4 of the Office Action states “[i]t would have been obvious to add this functionality to the system of Wood-Kumhyr to allow a user logged onto the network to access an assortment of network services based on the user’s role,” but this is a mischaracterization of what is recited in Claim 1. The cited portion of Claim 1 is not related to determining a role for a user but is instead related to using a user role to determine if a password meets quality criteria.

As White does not even teach or suggest determining “whether the password meets quality criteria,” White logically also cannot teach or suggest “wherein determining whether the password meets quality criteria comprises determining whether the password meets quality criteria for the particular user role.”

For at least all the reasons discussed, the combination of Kumhyr, Wood, and White does not teach or suggest multiple aspects of Claim 1, and for the at least all the same reasons does not teach multiple aspects of Claims 19, 20, 36, and 54.

The pending claims not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims includes the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. In addition, the dependant claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

Accordingly, Applicants respectfully request that the rejection of Claims 1-12, 16-31, 35-47, 51-66 and 69-71 under 35 U.S.C. § 103(a) be withdrawn.

Claims 13, 14, 32, 33, 48, 66, and 67

Claims 13, 32, 48 and 66 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kumhyr in view of Wood in further view of White in further view of U.S. Publication No. 2004/0250139 A1 ("Hurley"). Claims 14, 33 and 67 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kumhyr in view of Wood in further view of White in further view of U.S. Publication No. 2004/0250141 A1 ("Casco-Arias"). These rejections are respectfully traversed.

Claims 13, 14, 32, 33, 48, 66, and 67 depend from Claims discussed above. Because each of the dependant claims includes the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant

claims depend are patentable. Removal of the rejections with respect to the defendant claims and allowance of the defendant claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

Accordingly, Applicants respectfully request that the rejections of Claims 13, 14, 32, 33, 48, 66, and 67 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: June 30, 2009

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